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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,386	02/17/2004	Helga Heist	TRW(ASG)6954	1621
26294	7590	03/10/2006		
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEEVLAND, OH 44114				
			EXAMINER ILAN, RUTH	
			ART UNIT 3616	PAPER NUMBER

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,386	Applicant(s) HEIST ET AL.	
	Examiner Ruth Ilan	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/23/05; 7/26/04</u> <u>1/21/05, 7/26/04</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 7 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 7 is a claim that include limitations not found in a single disclosed embodiment of the specification. Claim 7 requires that the "spacer piece (23) extends outwards through a central opening in said module covering (9)." However, claim 7, as presented, depends from claim 6, which recites that the module covering is fastened to the spacer piece. The only embodiment which discloses that the module covering is fastened to the spacer piece is shown in Figure 7, and does not include the further limitations of claim 7, that is there is no central opening in the module covering, the module covering extends over the top of the spacer piece. For the

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purposes of examination, it will be assumed that claim 7 is intended to depend from claim 1.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 3 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 3, "said outer surface (26) projecting laterally with respect to said contact surface (22)" lacks antecedent basis.

The Examiner suggests amending this phrase to read "said outer surface (26) [projecting] projects laterally with respect to said contact surface (22) and..."

Regarding claim 9, line 4 recites "when said module covering (9) tears open." There is insufficient antecedent basis for this limitation in the claim language.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hauer (DE 201 14 507 U1.) Hauer teaches a gas bag module including a ring-shaped gas bag with a ring shaped chamber surrounding a central non-inflated section (see Figure 1.) Also taught is a module covering (30, 32, 38) and the gas bag is housed in the module (7) so as to be folded around a central spacer piece (reinforcing ring and

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including unnumbered cross hatched element annotated by the Examiner as "A" in attached Figure 2.) The spacer piece is fastened (via 42, 44) to a holding piece (20) which is cage surrounding a gas generator (5.) The spacer piece has a first end in the region of the air bag cover (the top, marked B) and a second end (the bottom) and the portion that extends laterally outward from the second end (in that the top of the element is wider than the bottom includes a curved outer surface, as seen in a sectional view. Regarding claim 2, the bottom of the curve is very curved, where it makes the turn to vertical, and then it travels straight, and as such has less inclination. Regarding claim 3, various portions of the crosshatched portion of the reinforcing ring runs in a convex curved shape, including the bottom turn, and the top portion that abuts against the lid at the hinge. The top portion is wider than the contact surface, and as such it projects laterally. Regarding claim 4, as broadly recited, the outer surface as a whole runs in a curved shape. The spacer piece is a solid body, and, with regards to claim 6, the module cover is fastened to the spacer piece, since the piece is embedded in the cover (see col. 1, lines 45 and 46 of US 6,695,344 B2, used for translation.) Regarding claim 9, as seen in Figure 2, the module covering has a central section (38) which remains fastened to the spacer piece when the module cover tears open (at 34.)

8. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hühne et al. (DE 100 42 527 A1., with US 6,942,246 B2 relied upon for translation.) Hühne et al. teaches a gas bag module including a ring-shaped gas bag (28) with a ring shaped chamber surrounding a central non-inflated section (see Figure 6) Also taught is a module covering (24) and the gas bag is housed in the module so as to be folded

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around a central spacer piece (25) The spacer piece is fastened to a holding piece (19.) The spacer piece has a first end in the region of the air bag cover (the top) and a second end (the bottom) and the portion that extends laterally outward from the second end (the curved rim) includes a curved outer surface, as seen in a sectional view.

Regarding claim 2, the bottom of the curve is very curved, and then it is horizontal, (at the edge of 25, where it clamps the cover 24) and as such has less inclination.

Regarding claim 3, the element 25 is wider than the top of 19, and as such can be said to project laterally with respect to the contact surface and runs in a convex curved shape (with respect to the bottom) Regarding claim 4, as broadly recited, the outer surface as a whole runs in a curved shape. The spacer piece is a solid body, and, with regards to claim 6, the module is fastened to the spacer piece, since the piece is used to clamp the cover (via 21, 27.) Regarding claim 7, the emblem 21 can be considered to be part of the spacer piece, in that it is attached to it via the element 27, and as such the spacer piece extends outwards through a central opening.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hühne et al. (DE 100 42 527 A1 with US 6,942,246 B2 relied upon for translation) Hühne et al. teaches that the ornamental cap 21 (considered, as discussed above to be part of the

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spacer piece) may have a corporate logo glued on to it. (see col. 6, lines 30,31 of US 6,942, 246.) Höhne et al. does not specifically describe that such a logo is made of metal. However, metal emblems are very well known in the vehicle art, and it would have been obvious to one having ordinary skill in the art at the time of the invention to make the corporate logo of Höhne et al. out of metal, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DE 299 21 744 U1 teaches a vehicle steering wheel of interest. Meacham teaches that it is known to provide spacer pieces with curved surfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673.

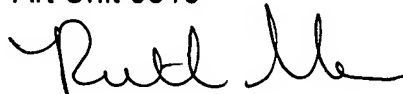
The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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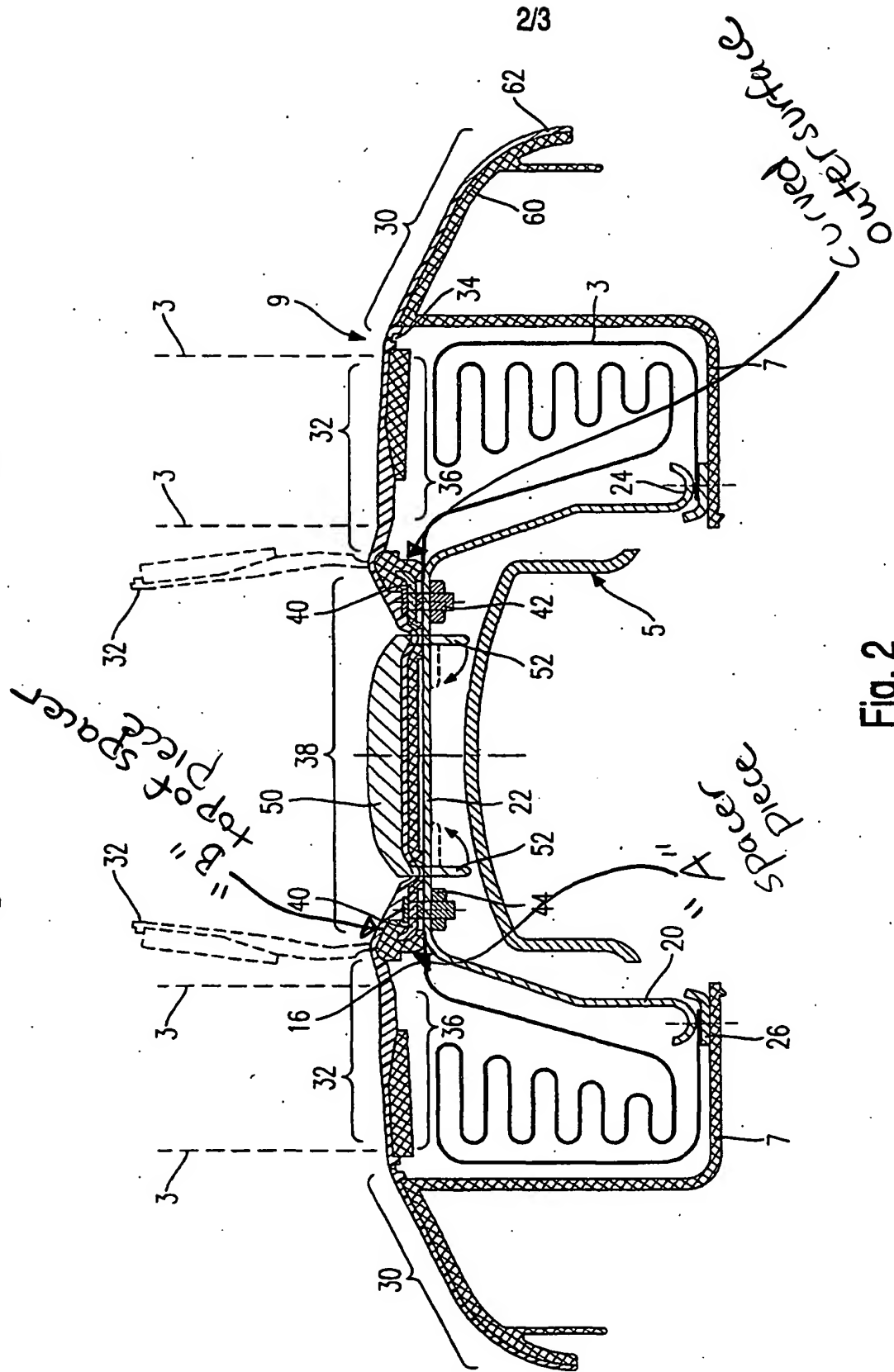
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth Ilan
Primary Examiner
Art Unit 3616

A handwritten signature in black ink, appearing to read 'Ruth Ilan', written in a cursive style.

RI
2/19/06
with attachment

25.10.01



DE 201 14 507 U1